



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

FOIA Service Center

August 22, 2019

Sai
MuckRock News DEPT MR 78485
411A Highland Ave
Somerville, MA 02144

RE: FOIA Request No. 19-02102-F

Dear Sai:

This letter is a final response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated August 20, 2019 and received in this office on August 22, 2019.

You requested the following:

A. Chief FOIA Officers' desktops

I hereby request:

1. for the component's
 - a) Chief FOIA Officer,
 - b) Chief Privacy Officer, and
 - c) any substantially equivalent component official ("Officer"):
2. the entire content of
 - a) the Officer's physical desktops, i.e. everything on the actual desk(s) where they work
 - I) including all other office surfaces, e.g. cabinets, tables, in/out boxes, shelves, etc. in the Officer's office(s)
 - II) excluding:
 - i) computers (including desktop, laptop, and phone);
 - ii) USB drives;
 - iii) generic office supplies, i.e. any item that could be purchased off the shelf at a store such as Office Depot in identical form by a member of the general public;
 - iv) tear-off daily flip calendars;
 - v) purely personal capacity items;
 - vi) keys;
 - vii) anything within a fully enclosed hard sided container (e.g. exclude the contents of a desk / cabinet drawer, lockbox, or picture frame — but envelopes laying on a desk [and their contents], items in open-ended organizers, etc are not excluded);
 - viii) books or hard-bound booklets, except for the front and back covers; and

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- ix) CDs or DVDs, except for the label (i.e. what is captured when you place the disc on a flatbed scanner); and
- III) formatted as 600 DPI color scans to PDF, one PDF per item (named logically based on the item), run through Adobe Acrobat Pro's "enhance scanned PDF" tool with the settings:
 - * recognize text on
 - * all pages
 - * apply adaptive compression: grayscale JPEG2000, monochrome JBIG2 (lossless), maximum quality
 - * output: searchable image, document language set to the document's actual language
 - * filters: deskew on, background removal off, descreen off, text sharpening off; and
- b) the Officer's computer desktop(s), i.e. the "desktop folder" of their account on every computer that they use in official capacity
 - I) in the exact original file format as stored on the computer, encapsulated into a .ZIP or .TAR.GZ archive set to preserve all metadata and folder structure;

3. as the above exist at the time anyone in the component first learns of this request.

(I.e., no clearing out the desk before searching it. You may of course continue to use the office normally, but this request creates a hold for its exact content at that one snapshot in time.)

4. For hold preservation validation purposes, please take and provide digital photos of the Officer's entire office, showing all items in plain view at the time this request was received.

The department does not maintain any records that are readily available to produce. In order to fulfill your request, the agency would have to create a document to satisfy this request.

Pursuant to the FOIA and Department regulations 34 CFR § 5.12 agencies are not required to respond to requests by creating records.

You have the right to seek assistance and/or dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department of Education, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation.

They can be contacted by:

| | | |
|--------|---|--|
| Mail | FOIA Public Liaison Office of the Executive Secretariat U.S. Department of Education 400 Maryland Ave., SW, LBJ 7C132 Washington, DC 20202-4500 | Office of Government Information Services National Archives and Records Administration 8601 Adelphi Road, Room 2510 College Park, MD 20740-6001 |
| E-mail | robert.wehausen@ed.gov | OGIS@nara.gov |
| Phone | 202-205-0733 | 202-741-5770; toll free at 1-877-684-6448 |
| Fax | 202-401-0920 | 202-741-5769 |

Lastly, you have the right to appeal this determination. You must submit any appeal within 90 calendar days after the date of this letter. Using the services described above does not affect your right, or the deadline, to pursue an appeal. An appeal must be in writing and must include a detailed statement of all legal and factual bases for the appeal; it should be accompanied by a copy of this letter, the initial letter of request, and any documentation that serves as evidence or supports the argument you wish the Department to consider in resolving your appeal.

Appeals may be submitted using the on-line form available at
www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf.

Appeals can also be submitted by:

E-mail: EDFOIAappeals@ed.gov
Fax: 202-401-0920
Mail: Appeals Office
Office of the Executive Secretariat
U.S. Department of Education
400 Maryland Avenue, SW, LBJ 7W106A
Washington, DC 20202-4500

If you have any questions, please contact the FSC at (202) 401-8365 or via email at
EDFOIAMANAGER@ed.gov.

Sincerely,

Sandra Lewandowski

Sandra Lewandowski
Government Information Specialist
Office of the Executive Secretariat